

## Message Text

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R 171624Z JAN 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 9776

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C O N F I D E N T I A L SECTION 01 OF 03 BONN 00856

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GENEVA FOR CSCE DEL

E.O. 11652: GDS

TAGS: PFOR, GW, GW

SUBJECT: FRG-GDR NEGOTIATIONS: STILL STALLED IN KEY  
AREAS, LIMITED MOVEMENT IN A FEW OTHERS

REF: BONN 18117, DECEMBER 17, 1973

1. SUMMARY: CHANCELLERY REP BRIEFED US ON JAN 14-15  
FRG-GDR TALKS ON ESTABLISHMENT OF PERMANENT FRG AND GDR  
MISSIONS IN EAST BERLIN AND BONN RESPECTIVELY, AND ON  
TALKS AIMED AT REACHING AGREEMENTS ON CULTURE, LEGAL  
ASSISTANCE, HEALTH COOPERATION, POST, AND NON-COMMERCIAL  
PAYMENTS ARRANGEMENTS. IN LATTER THREE CASES, SOME  
PROSPECT FOR CONCLUSION OF AGREEMENTS WAS HELD OUT BY  
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GDR REPS, PROVIDED THE FRG DID NOT MAKE AN ISSUE OF  
WEST BERLIN'S COVERAGE IN THEM. IN THE MATTER OF THE

ESTABLISHMENT OF MISSIONS, VERY MARGINAL PROGRESS WAS MADE. IN THE CULTURAL AND LEGAL ASSISTANCE NEGOTIATIONS, ABSOLUTELY NO GIVE ON THE GDR SIDE WAS EVIDENT. FRG REPRESENTATIVES, FROM BAHR DOWN, ARE PESSIMISTIC ABOUT CHANCES OF ANY EARLY MOVEMENT IN THE PROBLEM AREAS (CULTURE, LEGAL ASSISTANCE), BUT SEE SOME SIGNS OF EVENTUAL GDR READINESS TO MAKE CONCESSIONS THAT MIGHT PERMIT THE PERMANENT MISSIONS TO BE SET UP SOME TIME THIS YEAR. END SUMMARY.

2. CULTURE

FRG REP GAUS AND GDR REP NIER HELD THEIR THIRD MEETING, AND THE FIRST SINCE MID-DECEMBER, IN BONN ON JANUARY 14-15. THEIR DISCUSSIONS FOCUSED THE FIRST DAY ON THE AREA OF A CULTURAL AGREEMENT, LAST DISCUSSED ON NOVEMBER 29. NIER TOOK MUCH THE SAME POSITION AS BEFORE. HE PUSHED FOR AGREEMENT FIRST ON A LIST OF PRINCIPLES OF CULTURAL COOPERATION, INCLUDING ONE THAT REFERRED TO NON-INTERFERENCE IN INTERNAL AFFAIRS. HE ALSO PRESSED, AS BEFORE, FOR FRG AGREEMENT TO RETURN THOSE CULTURAL OBJECTS NOW IN WEST GERMANY WHICH WERE ORIGINALLY REMOVED FROM WHAT IS NOW THE GDR.

3. GAUS RESPONDED TO THE FIRST POINT THAT THE FRG-GDR BASIC RELATIONS TREATY CONTAINED THE PRINCIPLES THAT GOVERNED THE TWO SIDES' RELATIONS: THERE WAS NO REASON TO CREATE NEW ONES TO COVER THE CULTURAL RELATIONSHIPS. TO THE QUESTION OF RETURN OF PROPERTY, GAUS STATED THAT THE FRG WAS NOT PREPARED TO DISCUSS THIS MATTER EXCEPT TO CONSIDER, ON A CASE BY CASE BASIS, THOSE OBJECTS WHOSE OWNERSHIP WAS OPEN TO DISPUTE. THIS WOULD NOT EXTEND TO THE GREAT MAJORITY OF THE OBJECTS IN THE POSSESSION OF THE STIFTUNG PREUSSISCHER KULTURBESITZ, WHICH RETAINS THOSE ITEMS FORMERLY BELONGING TO THE KINGDOM OF PRUSSIA.

4. NIER WAS REPORTEDLY ANGERED BY THE FRG REFUSAL TO ENTER INTO A DISCUSSION OF THIS SUBJECT AND INDICATED THAT IF THIS ATTITUDE CONTINUED, THEN THERE WAS NO  
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CHANCE OF AGREEMENT. ON THAT THREATENING NOTE, DISCUSSION CLOSED AND NO NEW DATE HAS BEEN SET FOR FURTHER CULTURAL NEGOTIATIONS. (COMMENT: THE FRG SIDE FEELS THAT THE GDR MAY WELL NOT BE INTERESTED IN A CULTURAL AGREEMENT AND, EVEN IF IT IS, WILL NOT PERMIT ANY REAL MOVEMENT UNTIL THE SHAPE OF THE CSCE CULTURAL COOPERATION DISCUSSIONS BECOMES CLEARER. END COMMENT.)

5. PERMANENT MISSIONS

DISCUSSION ON JANUARY 15 CENTERED ON THE PERMANENT

MISSIONS. IN THE MATTER OF ACCREDITATION, NIER SHOWED SOME SLIGHT READINESS TO MAKE CONCESSIONS. HE AGREED TENTATIVELY TO THE FRG MISSION BEING ACCREDITED TO THE GDR FONOFF AND THE GDR MISSION TO THE CHANCELLERY, BUT WITH THE LATTER ARRANGEMENT TO LAST ONLY AS LONG AS THE FIRST GDR CHIEF OF MISSION'S TENURE. THEREAFTER, THE

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GDR MISSION WOULD DEAL WITH THE FRG FONOFF. HE REASSURED GAUS THAT THE GDR REP WOULD REMAIN FOR THREE TO FOUR YEARS. (COMMENT: CHANCELLERY REP NOTED THIS ARRANGEMENT WOULD LAST THROUGH THE NEXT FRG FEDERAL ELECTION PRESUMABLY. END COMMENT.) GAUS WAS NEGATIVE TO THIS PROPOSAL CONCERNING A TIME LIMITATION ON THE GDR MISSION'S ACCREDITATION TO THE CHANCELLERY. NIER INDICATED IT WAS A HARD POINT FOR GDR. THUS NO MOVE-

MENT ON SURFACE SEEMED EVIDENT, ALTHOUGH FRG SIDE HAD FEELING THAT GDR WAS BEGINNING TO SHOW SIGNS OF GIVE.

6. ON THE ISSUE OF THE APPLICABILITY OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS (REFTEL), GDR REP SUGGESTED THAT RATHER THAN HAVING THE FRG-GDR RELATIONSHIP BASED ON AN ARRANGEMENT "ANALOGOUS" TO THE CONVENTION (AS FRG WISHES, SO AS TO AVOID IMPLICATION CONFIDENTIAL

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THAT ACTUAL DIPLOMATIC RELATIONS ARE BEING ESTABLISHED BETWEEN THE TWO GERMAN STATES), THE REFERENCE SHOULD BE TO AN ARRANGEMENT "CORRESPONDING" TO THE CONVENTION. FRG SIDE IS CURRENTLY STUDYING THE PROPOSAL.

7. NIER COMPLAINED ABOUT FRG ACTIONS IN FOUR OTHER AREAS: (A) WHEN GAUS PRESENTED AN FRG PAPER DEFENDING ESTABLISHMENT OF THE FEDERAL ENVIRONMENT OFFICE IN WEST BERLIN, ALONG LINES OF EARLIER ALLIED RESPONSE TO SOVIETS, NIER SAID HE WOULD ACCEPT IT ONLY WITH RESERVATIONS. HE SAID FEDERAL GOVERNMENT SHOULD RECONSIDER IF IT WANTED TO AVOID DIFFICULTIES OVER THE CREATION OF THE NEW OFFICE.

(B) NIER ECHOED RECENT SOVIET COMPLAINT ABOUT PURPORTED MEETINGS OF BUNDESTAG PRESIDUM AND COUNCIL OF ELDERS IN WEST BERLIN. GAUS REPLIED BY STATING THAT MATTER WAS UNDER DISCUSSION AT FOUR-POWER LEVEL AND THAT THEY WOULD NOT WISH TO DISCUSS THE MATTER UNTIL THE THREE POWERS HAD MADE THEIR POSITION CLEAR TO THE USSR.

(C) NIER SAID RECENT LETTERS FROM FRG INNER-GERMAN MINISTRY (BONN A-18 ) TO ORGANIZATIONS AND PERSONS INVOLVED IN EXFILTRATING FROM GDR CONTAINED NO REQUEST FOR THE ORGANIZATIONS OR PERSONS TO CEASE THEIR ACTIVITIES: THE IMPLICATION WAS THUS LEFT THAT SUCH ACTIVITIES WOULD NOT BE PROSECUTED IN FRG AND LATTER WOULD HAVE TO BEAR CONSEQUENCES FOR THIS POSITION.

(D) NIER SAID BUNDESTAG PRESIDENT RENGER'S RECENT DESCRIPTION OF GDR AS A "REVISIONIST POWER", I.E. ONE THAT REVISED AGREEMENTS AND TREATIES IT HAD REACHED PREVIOUSLY, WAS AN INSULT, UNACCEPTABLE, AND IMCOMPREHENSIBLE COMING FROM SENIOR FRG REPRESENTATIVE. GAUS RESPONDED THAT IF GDR TOOK MEASURES SUCH AS DOUBLING CURRENCY EXCHANGE REQUIREMENTS, THEN FRAU RENGER'S ASSESSMENT DID NOT SEEM INACCURATE.

8. NIER THEN SUGGESTED THAT SOME BILATERAL NEGOTIATIONS, I.E. POSTAL, HEALTH AND NON-COMMERCIAL PAYMENTS, COULD BE CONCLUDED POSITIVELY IF THE FRG DID NOT TRY TO UNDERMINE OR CIRCUMVENT THE BERLIN AGREEMENT. (COMMENT: FRG REP SAID A BERLIN CLAUSE OR COVERAGE OF BERLIN WOULD BE

A SINE QUA NON FOR THE FRG IN CONCLUDING THESE AND ANY  
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OTHER BILATERAL AGREEMENTS. END COMMENT.)

9. IN THE LEGAL ASSISTANCE NEGOTIATIONS, OUR SOURCE  
SAID THERE WAS NO SIGN OF PROGRESS, WITH THE PROBLEMS OF  
CITIZENSHIP AND WEST BERLIN REMAINING AS THE PRINCIPAL

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UNRESOLVED AND SEEMINGLY INSOLUBLE ISSUES. THE TRAFFIC  
TALKS IN EAST BERLIN SHOWED SOME FEW SIGNS OF FORWARD

MOVEMENT, ALTHOUGH THE GDR TOOK A NEGATIVE POSITION ON THE OPENING OF THREE NEW BORDER CROSSINGS WHICH THE FRG HAD PROPOSED.

10. COMMENT: OUR SOURCE, WHO IS CLOSE TO GAUS, CONSIDERED THAT THE GENERAL PICTURE WAS STILL FAIRLY BLEAK AFTER THE TWO DAYS' TALKS. THE AREAS IN WHICH THE GDR IS CLEARLY WILLING TO MOVE ARE THOSE WHICH EITHER BRING THE GDR MONEY OR CAUSE NO PROBLEMS IN PRINCIPLE (AS LONG AS THE WEST BERLIN ISSUE IS OMITTED). IN THE OTHERS, THE GDR IS STICKING TO ITS HARD LINE.

11. ONE SENSES A CHANGE OF MOOD ON THE FRG SIDE ON THE DELICATE QUESTION OF THE PERMANENT MISSIONS, HOWEVER. CONFIDENTIAL

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THE GDR IS SEEMINGLY GIVING A FEW POSITIVE SIGNS, ALBEIT OF A MINOR SORT, AND THE FEELING IS THAT SOME REAL PROGRESS MAY BE POSSIBLE SOON. A WEST GERMAN NEWS CONTACT ALREADY HAS INDICATIONS THAT THE GDR IS RENTING OFFICE SPACE AND APARTMENTS IN THE BONN AREA, SO THIS TOO MAY BE LEADING THE CHANCELLERY TO CONCLUDE THAT PROSPECTS ARE BETTER THAN THEY SEEMED A MONTH AGO IN THIS PARTICULAR AREA. THE NEXT ROUND OF GAUS-NIER TALKS ON JANUARY 31 IN EAST BERLIN MAY SHED SOME FURTHER LIGHT ON THE PROBLEM.  
HILLENBRAND

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